

## **7.0 CONTINGENCY MEASURES AND CONTINUING COMMITMENTS**

### **7.1 Contingency Measures**

Section 175A of the CAA requires that a maintenance plan include contingency provisions, as necessary to promptly correct any violation of the NAAQS which may occur after redesignation of the area to attainment. ADEQ is required to implement all measures with respect to the control of PM<sub>10</sub> in the Yuma area which were contained in the SIP for Yuma before redesignation of the Yuma area to attainment. These contingency measures are distinguished from contingency measures generally required for nonattainment areas under section 172(c)(9). To satisfy this requirement, ADEQ is not required to have fully adopted contingency measures that will take effect without further action by ADEQ in order for this maintenance plan to be approved by EPA. Nevertheless, the contingency measures are considered to be an enforceable part of the SIP. As an integral part of the plan, ADEQ should identify specific indicators, or triggers, which will be used to determine when the contingency measures need to be implemented. The trigger mechanism for the maintenance plan contingency measures is reached when ambient concentrations reach pre-determined threshold levels. A contingency measure or a combination of contingency measures will be implemented if the ambient PM<sub>10</sub> level in the Yuma PM<sub>10</sub> Nonattainment Area exceeds 95% of the NAAQS. Consequently, these contingency measures would be activated if the 24-hour average NAAQS reaches 143 ug/m<sup>3</sup> or above or the annual NAAQS reaches 48 ug/m<sup>3</sup> or above.

As with the control measures in Chapter 6, ADEQ began working with the Yuma area stakeholders in 1991 to identify contingency measures that could be implemented in case of a future violation in the Yuma area after its redesignation to attainment. More contingency measures were identified by 1994. Contingency measures were further discussed with Yuma stakeholders during the NEAP development and implementation process. Contingency measures provide additional assurance that the PM<sub>10</sub> NAAQS will be maintained through 2016 and beyond. The contingency measures for the Yuma area are contained in Table 7-1.

None of the emissions reductions in this chart have been counted towards the maintenance demonstration.

**Table 7.1 -- Contingency Measures for the 2005 Yuma PM<sub>10</sub> Maintenance Plan**

<b>CONTINGENCY MEASURE</b>	<b>Area of Applicability</b>	<b>Quantity</b>	<b>Estimated Reduction Tons/Year</b>
Pave existing unpaved miles of road	Throughout Yuma air quality planning area	City of Yuma: 0.44 mile/year City of Somerton: 0.1 mile/year Yuma County: 1.0 mile/year	78.7 TPY for each paved mile that carries 500 vehicles/day
Chemically stabilize miles of unpaved roads		City of Yuma: 10 City of Somerton: 30 Yuma County: 60 miles/year, twice a year	2,555 TPY
Adopt 20% opacity standard for sources of fugitive dust	Throughout Yuma air quality planning area	12 miles of roads and 265 acres	149 TPY
<b>TOTALS</b>			<b>2,782.7 TPY</b>

SOURCE: ADEQ Air Quality Division Planning and Assessment Sections, 2006

These measures have not been modeled to demonstrate maintenance of the NAAQS. ADEQ is aware that EPA will review what constitutes a contingency plan on a case-by-case basis. ADEQ has every expectation that EPA Region IX will approve the contingency plan submitted to EPA as part of this maintenance plan.

## **7.2 Commitments**

### **7.2.1 CAA Section 110 Continuing Commitments**

Section 110(a)(2)(A) of the CAA requires that States provide for enforceable emissions limitations and other control measures, means, or techniques, as well as schedules for compliance with the PM<sub>10</sub> NAAQS. Chapter 6.0 includes a list of control measures that enabled the Yuma area to reach and maintain attainment. ADEQ commits to enforce these measures to maintain the 24-hour average and annual NAAQS ending in 2016.

Section 110(a)(2)(B) of the CAA requires that States provide for establishment and operation of appropriate devices, methods, systems, and procedures necessary to monitor, compile, and analyze data on ambient air quality. Under ADEQ's air quality assessment program, ambient monitoring networks for air quality are established to sample pollution in a variety of representative settings, to assess the health and welfare impacts, and to assist in determining air pollution sources.

These networks cover both urban and rural areas of the State. The monitoring sites are combined into networks, operated by a number of government agencies and regulated companies. Each network is comprised of one or more monitoring sites, whose data are compared to the NAAQS, as well as being statistically analyzed in a variety of ways. The agency or company operating a monitoring network also tracks data recovery, quality control, and quality assurance parameters for the instruments operated at their various sites. The agency or company often also measures meteorological variables at the monitoring site. Chapter 3.0 presents monitoring network information and data for the Yuma area.

Monitoring data collected as part of ADEQ's air quality assessment program are summarized into the appropriate quarterly or annual averages. The samplers are certified as Federal Reference or Equivalent Methods. Regular checks of the stability, reproducibility, precision, and accuracy of the samplers and laboratory procedures are conducted by either the agency or company network operators. The protocol for PM<sub>10</sub> monitoring used by the State, local agencies, and companies is established by EPA in the following sections of the Code of Federal Regulations (CFR):

- 40 CFR Part 50, Appendix J, Reference Method for the Determination of Particulate Matter as PM<sub>10</sub> in the atmosphere;
- 40 CFR Part 50, Appendix K, Interpretation of the National Ambient Air Quality Standards for particulate matter; and
- 40 CFR Part 58, Appendix A, Quality Assurance Requirements for SLAMS
  - Section 2, Quality System Requirements
  - Section 3.3 and 3.4.1, Data Quality Assessment Requirements
  - Section 4.2, Annual Reports
  - 40 CFR Part 58, Appendix D, Section 2.8, Particulate Matter Design Criteria for SLAMS
  - 40 CFR Part 58, Appendix E, Probe and Monitoring Path Siting Criteria for Ambient Air Quality Monitoring, Section 8, Particulate Matter.

ADEQ commits to continue to operate the monitors in the Yuma area according to the references and guidelines referenced above for the duration of this maintenance plan to demonstrate maintenance through 2016.

Section 110 (a)(2)(C), Section 110 (a)(2)(E), Section 110 (a)(2)(F), and Section 110 (a)(2)(L) of the CAA require States to have permitting, compliance, and source reporting authority. Arizona Revised Statutes (ARS) § 49-402 establishes ADEQ's permitting and enforcement authority. As authorized under ARS § 49-402, ADEQ retains adequate funding and employs adequate personnel to

administer the air quality program. Appendix A includes the organizational chart for ADEQ's Air Quality Division.

Under ADEQ's air permits program, stationary sources (e.g., businesses, utilities, governmental agencies, and universities) that emit significant amounts of regulated air pollutants are required to obtain a permit before constructing, modifying, replacing, or operating any equipment or process which may cause air pollution. Existing sources are also required to obtain a revision or modification to their permits before transferring ownership, relocating, or otherwise significantly changing the method of their operation. Additionally, ADEQ is responsible for assessing fees based on the actual emissions submitted in the emissions inventory for all sources under ADEQ jurisdiction pursuant to Arizona Administrative Code (AAC) R18-2-326.

State regulations (AAC R18-2-327) require that any source subject to a permit must complete and submit to the Director of ADEQ an annual emissions inventory questionnaire. A current air pollutant emissions inventory of both permitted and non-permitted sources within the State is necessary to properly evaluate air quality program effectiveness, as well as assessing emission fees. ADEQ is responsible for the preparation and submittal of an emissions inventory report to EPA for sources and emission points prescribed in 40 CFR 51.322 and for sources that require a permit under ARS 49-426 for criteria pollutants. This inventory will encompass those sources under State jurisdiction emitting 1 ton/year or more of any individual regulated air pollutant, or 2.5 tons/year or more of any combination of regulated air pollutants. Regulated air pollutant is defined in AAC R18-2-101.98.

Under ADEQ's air quality compliance program, major sources are inspected annually, while minor sources are inspected every two to three years. However, minor sources may be the subject of various initiatives during the year. If a particular sector (e.g., dry cleaners, portable sources) has evidenced problems in the prior year (e.g., failure to submit move notices by portable sources), ADEQ's Air Compliance Section implements initiatives to address the problem (e.g., seminars and workshops for the regulated community explaining the general permit requirements; individual inspections of all portable sources within a geographical area, mailings, etc.). In addition, compliance initiatives are developed to address upcoming or future requirements (e.g., new general permits) and include such actions as training for inspectors; development of checklists and other inspection tools for inspectors; public education workshops; targeted inspections; mailings, etc. ADEQ's Air Compliance Section also has an internal performance measure to respond to all complaints as soon as possible, but no later than within five working days.

Section 110(a)(2)(G) of the CAA requires that States provide for authority to establish emergency powers and authority and contingency measures to prevent imminent endangerment. AAC R18-2-220 prescribes the procedures the Director

of ADEQ shall implement in order to prevent the occurrence of ambient air pollution concentrations which would cause significant harm to the public health. As authorized by ARS § 49-426.07, ADEQ may seek injunctive relief upon receipt of evidence that a source or combination of sources is presenting an imminent and substantial endangerment to public health or the environment.

ADEQ commits to continue to follow and enforce the requirements of Section 110 of the CAA for the duration of the maintenance plan.

### **7.2.2 CAA Section 172 Continuing Commitments**

Section 172(c)(1) of the CAA requires that nonattainment plan provisions provide for the implementation of all reasonably available control measures (RACM) as expeditiously as practicable and demonstrate attainment of the national primary ambient air quality standards. This requirement has been fulfilled. Chapter 6.0 includes a description of RACMs that have been implemented in the Yuma area to control PM<sub>10</sub> emissions and bring the area into attainment for the PM<sub>10</sub> NAAQS.

Section 172(c)(3) and Section 172(c)(4) of the CAA require a current inventory of actual emissions from all sources of the relevant pollutant or pollutants and projected emission inventories. This requirement has been fulfilled. The 1999 base year emissions and the 2016 projected emissions for the Yuma Nonattainment Area are contained in Chapter 4.0.

Section 172(c)(5) of the CAA require permits for the construction and operation of new or modified major stationary sources. All new sources and modifications to existing sources in Arizona are subject to State requirements for preconstruction review and permitting pursuant to AAC, Title 18, Chapter 2, Articles 1, 3, 4, and 5. All new major sources and modifications to existing major sources in Arizona are subject to the New Source Review (NSR) provisions of these rules, including Nonattainment Area Analysis (NAA) and Prevention of Significant Deterioration (PSD). The State NSR program was conditionally approved by EPA in 1982, but since then ADEQ's rules have been updated.

### **7.2.3 CAA Section 176 Continuing Commitments**

Section 176(c)(1) of the CAA contains general conformity requirements that currently apply to federal agency-related activities, except transportation projects,<sup>1</sup> in the Yuma PM<sub>10</sub> Nonattainment Area (see Chapter 2.0). ADEQ

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<sup>1</sup>The Clean Air Act requires that transportation plans, programs, and projects in nonattainment or maintenance areas that are funded or approved by the Federal Highway Administration or Federal Transit Authority be in conformity with the state implementation plan through a separate process described in the transportation conformity regulation (Title 40 C.F.R., Parts 51 and 93, November 24, 1993, as amended in August and November 1995).

commits to work with the federal agencies, federal grant recipients, and federal licensees and permittees in the Yuma area to ensure that the CAA Sections 118 and 176 and Title 40 C.F.R. § 93.150 - 160 will be met for applicable federal projects.

Section 176(c)(2) of the CAA contains transportation conformity requirements (see Chapter 2.0). ADEQ commits to working with the YMPO to ensure that the transportation plans and programs within the Yuma Nonattainment Area conform to the maintenance plan.

#### **7.2.4 CAA Section 189 Continuing Commitments**

Section 189 requires the state implementation plan for the Yuma area to include a permit program meeting the requirements of Section 173. Permits are required for the construction and operation of new and modified major stationary sources of PM<sub>10</sub>. ADEQ commits to continue to fulfill the requirements of the CAA Section 189. This commitment will ensure that all new sources and modifications to existing sources in Arizona are subject to State requirements for preconstruction review and permitting pursuant to AAC, Title 18, Chapter 2, Articles 1, 3, 4, and 5. All new major sources and modifications to existing major sources in Arizona are subject to the New Source Review provisions of these rules, including Nonattainment Area Analysis and Prevention of Significant Deterioration.